

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KLAMATH RIVERKEEPER, a nonprofit
public benefit corporation, HOWARD
McCONNELL, LEAF G. HILLMAN,
ROBERT ATTEBERY, and BLYTHE REIS,

Plaintiffs,

v.

PACIFICORP, INC., an Oregon Corporation,

Defendant.

No. C 07-06199 WHA

ORDER DISMISSING ACTION

The order dated February 22, 2008, stated: "If within seven calendar days all plaintiffs' counsel sign and file a written undertaking to be jointly and severally responsible for all such incremental costs and fees attributable to the delay, then consolidation shall be allowed . . . If plaintiffs' counsel do not so agree, then this action shall be dismissed. The case schedule shall remain unchanged subject only to a motion to amend by the defense, which motion should be made, if at all, within 28 days" (Dkt. No. 27).

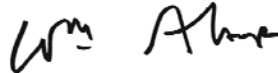
A notice dated March 3, 2008, informed plaintiffs' counsel that they had not signed and filed a written undertaking by that point. The notice further stated, "Unless plaintiffs' counsel advise the Court by Wednesday, March 5, 2008, at noon, that there has been a mistake in its understanding of the record, the Court intends to follow its original ruling by vacating all pending dates in this action and dismissing the action" (Dkt. No. 38). Plaintiffs' counsel has

1 not filed anything with the Court. Accordingly, all pending dates in this action are **VACATED**
2 and the action is **DISMISSED**.

3 In *McConnell et al. v. Pacificorp*, C 07-02382 WHA, the caption should revert back to
4 its original form and that case shall proceed on its original schedule. The Court understands
5 that the lawsuit in *McConnell* will proceed with respect to the claims allowed in the order dated
6 August 16, 2007, except for Robert Attebery (per the stipulation and order for dismissal dated
7 March 4, 2008). The new action, *Klamath v. Pacificorp*, C 07-6199 WHA, is completely
8 dismissed pursuant to the order dated February 22, 2008. If any counsel believe that the status
9 of the case(s) is any different than what is stated herein, please notify the Court immediately.
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11 **IT IS SO ORDERED.**

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13 Dated: March 6, 2008.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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